



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,145	02/19/2004	Eldean Kjose	23-0468	5196

40158 7590 04/20/2006

WOODS FULLER SHULTZ & SMITH P.C.
ATTN: JEFFREY A. PROEHL
P.O. BOX 5027
SIOUX FALLS, SD 57117

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,145

Applicant(s)

KJOSE, ELDEAN

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "20", "21", "24", "33" and "55". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ***"telescopic legs"***, ***"hinges"***, and ***"secondary stair assembly"*** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure,

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because in Figure 2, element number "28" needs to have a lead line associated therewith. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-20 are objected to because of the following informalities: the claims have misspelled --treads--, hence, the applicant's "traids" should be --treads--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6,7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,747,243 to ANSTEAD. ANSTEAD discloses the use of a portable deck system (10) including a platform assembly (not labeled) having top surface (39,40,41,42) positionable adjacent an entry door (86), and an access means (12) operationally coupled to the platform providing vertical transition from ground level. In reference to claim 2, the platform assembly includes the top surface formed by a plurality of decking members (39,40,41,42), a horizontal support frame (85), and a plurality of leg members (20,21,22,52) operationally coupled to the horizontal support frame (85). Regarding claim 3, the plurality of leg members (20,21,22,52) are hingedly (48,49,50,51) coupled to the horizontal support (85) to facilitate folding of the platform,

Art Unit: 3635

see Figures 3 and 6. In reference to claim 6, the plurality of leg members (20,21,22,52) include base portions (15) coupled to a distal end thereof and providing an enlarged surface area. Regarding claim 7, the access means (12) includes a stair assembly. In reference to claim 11, the system of ANSTEAD further includes a railing including at least one handrail portion (27,28,43) positioned between at least two vertical stanchions (25,26) and (23,24) such that each vertical stanchion (25,26) and (23,24) is coupled to the platform assembly.

Claims 1,2,5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,763,912 to ROBINSON et al. ROBINSON et al. discloses the use of a portable deck system (10,120) including a platform assembly (80,124,128) having top surface (104) positionable adjacent an entry door (not shown), and an access means (5,122) operationally coupled to the platform providing vertical transition from ground level. In reference to claim 2, the platform assembly includes the top surface formed by a plurality of decking members (86), a horizontal support frame (82,84) and (132,134), and a plurality of leg members (90) operationally coupled to the horizontal support frame (82,84). Regarding claim 5, the horizontal support frame includes a first portion (132) and a second portion (134) selectively coupled to and separated from one another, column 5, lines 55-59. In reference to claim 7, the access means (5,122) includes a stair assembly. Regarding claim 8, the stair assembly (5) includes a frame assembly (12,14) including incremental vertical supports as at (26,36) in Figure 6, and a plurality of treads (16) coupled to the incremental vertical supports (26,36). In reference to claim 9, the stair frame assembly (5,122) is selectively coupled to and separated from

the platform assembly (80,124,128) to provide access from ground level, column 4, lines 9-13. Regarding claim 10, ROBINSON et al., column 4, lines 47-59, discloses that his system can include a second or more stair assemblies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,747,243 to ANSTEAD in view of US Patent #3,808,757 to GREENWOOD or US Patent #6,810,995 to WARFORD. ANSTEAD discloses the basic claimed system except for the legs being telescopic. Both GREENWOOD and WARFORD teaches that it is known in the art to the leg members (44) or (30) of a portable deck system as telescopic legs. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the portable deck of ANSTEAD with the

telescopic legs of either GREENWOOD or WARFORD in order to enable the system to be more versatile in that it is capable of adjusting to various heights. Portable decks are used with trailers and all sorts of enclosures. Many of these enclosures have entryways that vary in height. Thus, the inclusion of telescopic legs would allow the unit to adjust to near any height entryway.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,747,243 to ANSTEAD in view of US Patents #3,808,757 to GREENWOOD and #6,763,912 to ROBINSON et al. Further regarding claim 12, the platform assembly of ANSTEAD includes the top surface formed by a plurality of decking members (39,40,41,42), a horizontal support frame (85), and a plurality of leg members (20,21,22,52) operationally coupled to the horizontal support frame (85); the plurality of leg members (20,21,22,52) are hingedly (48,49,50,51) coupled to the horizontal support (85) to facilitate folding of the platform, see Figures 3 and 6; the plurality of leg members (20,21,22,52) include base portions (15) coupled to a distal end thereof and providing an enlarged surface area; the access means (12) includes a stair assembly including a stair frame (33,34) and a plurality of treads (13,14); and a railing including at least one handrail portion (27,28,43) positioned between at least two vertical stanchions (25,26) and (23,24) such that each vertical stanchion (25,26) and (23,24) is coupled to the platform assembly. GREENWOOD teaches that it is known in the art to the leg members (44) or (30) of a portable deck system as telescopic legs, and ROBINSON et al. teaches the use of a stair assembly (5) including a frame assembly (12,14) with incremental vertical supports as at (26,36) in Figure 6, having a plurality of treads (16)

Art Unit: 3635

coupled to the incremental vertical supports (26,36). ROBINSON et al. also teaches, column 4, lines 47-59, that his system can include a second or more stair assemblies. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the portable deck of ANSTEAD with the telescopic legs of GREENWOOD and the stair assembly with the incremental vertical frame members of ROBINSON et al. in order to enable the system to be more versatile in that it is capable of adjusting to various heights and to ensure that the riser members are flush and seated securely. Portable decks are used with trailers and all sorts of enclosures. Many of these enclosures have entryways that vary in height. Thus, the inclusion of telescopic legs would allow the unit to adjust to near any height entryway. The stair frame of ROBINSON et al. allows for the tread members to be seated flush with a horizontal surface whereas the stair assembly of ANSTEAD has the tread members anchored to the frame without any underlying horizontal support. The configuration of ANSTEAD is more apt to coming apart and giving way to pressure from excessive use.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,747,243 to ANSTEAD in view of US Patents #3,808,757 to GREENWOOD and #6,763,912 to ROBINSON et al. ANSTEAD discloses the use of a portable deck system (10) including a platform assembly (not labeled) having top surface (39,40,41,42) positionable adjacent an entry door (86), and an access means (12) operationally coupled to the platform providing vertical transition from ground level.

The platform assembly of ANSTEAD further includes the top surface formed by a plurality of decking members (39,40,41,42), a horizontal support frame (85), and a plurality of leg members (20,21,22,52) operationally coupled to the horizontal support frame (85); the plurality of leg members (20,21,22,52) are hingedly (48,49,50,51) coupled to the horizontal support (85) to facilitate folding of the platform, see Figures 3 and 6; the plurality of leg members (20,21,22,52) include base portions (15) coupled to a distal end thereof and providing an enlarged surface area; the access means (12) includes a stair assembly including a stair frame (33,34) and a plurality of treads (13,14); and a railing including at least one handrail portion (27,28,43) positioned between at least two vertical stanchions (25,26) and (23,24) such that each vertical stanchion (25,26) and (23,24) is coupled to the platform assembly. GREENWOOD teaches that it is known in the art to the leg members (44) or (30) of a portable deck system as telescopic legs, and ROBINSON et al. teaches the use of a stair assembly (5) including a frame assembly (12,14) with incremental vertical supports as at (26,36) in Figure 6, having a plurality of treads (16) coupled to the incremental vertical supports (26,36). ROBINSON et al. also teaches, column 4, lines 47-59, that his system can include a second or more stair assemblies. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the portable deck of ANSTEAD with the telescopic legs of GREENWOOD and the stair assembly with the incremental vertical frame members of ROBINSON et al. in order to enable the system to be more versatile in that it is capable of adjusting to various heights and to ensure that that the riser members are flush and seated securely. Portable decks are

used with trailers and all sorts of enclosures. Many of these enclosures have entryways that vary in height. Thus, the inclusion of telescopic legs would allow the unit to adjust to near any height entryway. The stair frame of ROBINSON et al. allows for the tread members to be seated flush with a horizontal surface whereas the stair assembly of ANSTEAD has the tread members anchored to the frame without any underlying horizontal support. The configuration of ANSTEAD is more apt to coming apart and giving way to pressure from excessive use.

Allowable Subject Matter

Claims 13-17 are allowed.

Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
4/17/06